IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.12397 of 2003

Between:

1 P. Rayappa, S/o. late Sri P. Paul,
R/o. Kazipet, S.Asst., Warangal, Warangal District.
2 N. Gnana Prakash, S/o. Sri Rajaiah,
S.G.B.T., Warangal, Warangal District.
3 K. Venkateshwar Rao, S/o. Sri Bapaiah,
R/o. Kazipet, H.P., Warangal, Warangal District.

...PETITIONERS

AND

1. The Government of Andhra Pradesh, rep.by its Secretary, Secretary to Government, Legislative Affairs, Law Department, Secretariat, Hyderabad.

2. The Director & Commissioner of School Education, Andhra Pradesh, Hyderabad.

3. The District Educational Officer, Warangal, Warangal District.

4. The Correspondent, St.Gabriel's High School, Fatimanagar, Kazipet, Warangal, Warangal District.

5. The Accountant General (A & E), Andhra Pradesh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue an order, direction especially one in the nature of Mandamus declaring that the petitioners are entitled to be paid pension and other benefits in terms of the order passed in W.P.No.5615/92 dated 26.5.2000 and further declare that if for any reason Act 9/2000 or Act 5/2002 is held to be applicable in the case of the petitioner as the same is illegal, and ultravires as it takes away the vested rights of the petitioners and further declare that action of the respondents in not counting the service of the petition when the school is out of grants-in-aid, for the purpose of payment of pension as violative of Articles 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioners: MR.M.SURENDER RAO

Counsel for the Respondent No.4: MR.HARI SREEDHAR

Counsel for the Respondent Nos.1 to 3: G.P. for School Education

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.12397 of 2003

ORDER:

Heard both sides.

Learned counsel for the petitioners submits that the question involved in this Writ Petition is squarely covered by the judgment of this Court in Writ Petition No.5615 of 1992 dated 26.09.2000. There is no serious dispute in regard to the facts and relief as sought for in this case with that of the other case. In view of the same, the said judgment squarely applies to the facts of this case.

Accordingly, the Writ Petition is allowed in the same terms as in W.P.No.5615 of 1992.

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(B.PRAKASH RAO, J)

15th December 2004

RRB

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday,

the Fifteenth day of December 2004.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Secretary, Government of Andhra Pradesh, Secretary to Government, Legislative Affairs, Law Department, Secretariat, Hyderabad.
2. The Director & Commissioner of School Education, Andhra Pradesh, Hyderabad.
3. The District Educational Officer, Warangal, Warangal District.
4. The Correspondent, St.Gabriel's High School, Fatimanagar, Kazipet, Warangal, Warangal District.
5. The Accountant General (A & E), Andhra Pradesh, Hyderabad.
6. Two CCs to G.P. for School Education, High Court Buildings, Hyderabad (OUT).
7. Two CD copies.